

AMENDMENT UNDER 37 C.F.R. § 1.111

Application No.: 10/647,353

Atty Docket No.: Q77194

REMARKS

The Office Action of April 15, 2005 has been received and its contents carefully considered.

Claims 1 to 23 are all the claims pending in the application, prior to the present amendment.

Applicant has amended claim 15 to place it in independent form, has amended claim 16 to depend from claim 15, and has amended claim 23 to depend from claim 15 and to delete “a hydrogen atom”.

Applicant has added new independent claim 24, which contains the recitations of original claims 1 and 4, except that “pyradine-triyl” in claim 4 has been changed to “pyrazine-triyl” and except that “a triazine-triyl” and “a thiophene-triyl” have been omitted. Claim 4 has been canceled.

Applicant has added new independent claim 25, which contains the recitations of original claims 1 and 9, except that “a phenylene group” and “a naphthylene group” have been omitted. Claim 9 has been canceled.

Applicant has added new dependent claims 26 to 29, which depend ultimately from claim 1 and which correspond to claims 17 to 19 and 23, respectively.

Claims 4-9 and 14 have been rejected under the second paragraph of 35 U.S.C. § 112 as indefinite. The Examiner has set forth a number of reasons for this rejection. Applicant discusses each of these reasons below.

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The Examiner objects to the term “pyradine-triyl” that appears in claim 4. The Examiner states that in view of the disclosure at page 16, lines 2-7 of the specification, this phrase perhaps should be changed to --pyrazine-triyl--.

As noted above, applicant has canceled claim 4 and has added new independent claim 24 which employs the term --pyrazine-triyl--.

The Examiner states that it is not clear whether claims 5-8 require the heteroarene-triyl represented by Ar to be substituted, or if these claims are merely further defining the optional substituent for Ar.

Applicants have canceled claims 5 to 8. Accordingly, this rejection is moot.

The Examiner states that the Markush group in claim 9 is inconsistent with the recitation of claim 1 because claim 9 recites that “at least one of Ar¹¹, Ar²¹ and Ar³¹” represents a phenylene group. The Examiner points out that a phenylene group is not a fused arylene group. Claim 1 required that the “at least one of Ar¹¹, Ar²¹ and Ar³¹ each independently represents a fused arylene group.

As noted above, applicant has canceled claim 9 and has added new independent claim 25 which does not contain the term the “phenylene group”.

The Examiner makes a similar rejection with respect to claim 14.

Applicants have canceled claim 14.

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Claims 1-9, 14 and 20-22 have been rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent 5,935,721 to Shi et al.

Applicant has canceled claims 2 to 9, 14 and 20 and have amended claim 1 to include the recitations of claims 10 and 11 which were not rejected over Shi et al. Claims 10 and 11 have been canceled. Accordingly, applicant submits that Shi et al do not anticipate claim 1 as amended above.

Further, applicant has added new independent claims 24 and 25. Applicant submits that Shi et al do not anticipate or suggest the subject matter of these claims, or new dependent claims 26 to 29 which depend from claim 1.

In view of the above, applicant requests withdrawal of the rejection based on Shi et al.

Claims 1 to 10 and 14 have been rejected under 35 U.S.C. § 102(e) as anticipated by U.S. patent 6,437,123 to Bock et al.

As discussed above, claims 2 to 10 and 14 have been canceled. Further, claim 1 has been amended to include the recitations of claim 11 which was not rejected over Bock et al. Accordingly, applicant submits that Bock et al do not anticipate claim 1 as amended above.

Further, applicant submits that Bock et al do not anticipate or render obvious new independent claims 24 and 25, or new dependent claims 26 to 29 which depend from claim 1.

Claims 1-10, 14-16 and 20-22 have been rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent 6,656,608 to Kita et al.

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In addition, claims 11-13, 17-19 and 23 have been rejected under 35 U.S.C. § 103(a) as obvious over Kita et al.

As noted above, claims 2 to 11, 14 and 20 to 22 have been canceled.

The present application claims priority based on Japanese application No. 11-304206 which was filed in Japan on October 26, 1999 prior to the December 20, 1999 U.S. filing date of Kita et al. Applicant encloses herewith a verified translation of the priority document of Japanese application No. 11-304206. .

In addition, Kita et al do not disclose or suggest the subject matter of various claims of the present application, such as claims 24 and 25. Further, applicant submits that the Examiner has employed hindsight reasoning to arrive at her obviousness conclusions because the Examiner is relying on the teachings of the present application for motivation to make the substitutions in Kita et al that would be necessary for obtaining the compounds according to the present invention.

In view of the above, applicant requests withdrawal of these rejections.

The Examiner notes a typographical error in claim 4 with respect to “thiophene-triyl”. Claim 4 has been canceled. New independent claim 24 does not contain the error noted by the Examiner.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

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Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

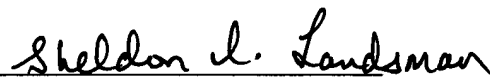
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